4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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easily. Paramount Chief Mpezeni III, in a Christmas broadcast in 1948, addressed to Ngoni workers in the towns, said

> Think not that I divorce your wives merely when they come to court. I do so when I see you send no money or clothes or you stay away for more than five years, not writing or sending anything to your families. I do this when they come to see me, both she and your parents. You do no good to your families by forgetting them all when you are in a strange country.

The grounds on which divorce is granted are more or less the same in the court and the village, but although the court, like the village assembly, thinks of itself as being primarily concerned with 'teaching people to live well together', it is also, unlike the village, concerned with reinforcing the power of the Native Authority bureaucracy and upholding the authority of the chiefs. Hence the court gives greater weight to the formalities of marriage and the theoretical rights inhering in the different payments. The chiefs, councillors, assessors, clerks, and police who make up the court are all men, whereas in the village meeting old and important women give their views and they are listened to with attention. My impression is that women are less favoured in the courts than they are in the village.

The law that the legalization payment shall be not less than thirty shillings was agreed to at a meeting of chiefs and their supporters in about 1944. Informants said that the law was introduced so that women as well as men could be punished for their adultery. It was argued that in a marriage in which no bridewealth had been paid, and only a few shillings as the legalization payment, the woman's kin could not in equity be called upon to pay damages on her behalf to her husband when she committed adultery. Adultery was thought to have increased, and women were as much to blame as men. By making the legalization payment a considerable amount, equal at the time to two months wages, it became possible to punish the woman in the same way as her lover. As we have seen, not everyone keeps this law, and women are married with a smaller amount as legalization payment, or with no payment at all. It is held by some people that a marriage certificate will not be issued unless at least thirty shillings legalization payment has been handed over, but in fact it is still possible to get a certificate when some smaller sum has been paid. In the light of developments in other tribes of the Eastern Province, it seems likely that before long thirty shillings legalization payment will become necessary before a certificate can be obtained.

One copy of the certificate is given to the man and another to the woman. With the help of her certificate, and of letters from her husband showing he is calling her to join him, a woman can get a pass from the court allowing her to buy a ticket on the bus going to the railway line or to Nyasaland. These certificates have therefore considerable value, and one woman's pass may be used by another.

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if the latter is unable to leave the area legally.[38] Various devices have been introduced to prevent women from using other people's passes, such as recording finger-prints on the certificate. On the other hand there are a great variety of ways in which women contrive to leave the area without a proper pass, such as marrying the bus driver for the duration of the journey, getting off the bus and walking round the control points, and so on.

13. The Administration and the missions

Under the Laws of Northern Rhodesia, which guide the Administration, the only valid marriages between Africans are those performed in accordance with 'customary tribal law'. There has never been any systematic attempt to codify the rules implied by this phrase, and in any particular case that comes before the Administration's courts, the views of individual African assessors must carry weight. The tendency has been to try and discover what used to happen in the old days rather than what was the *de facto* law at the time. On the other hand, there appears to have been a feeling that women were entitled to certain rights in equity that may perhaps have been associated with the proviso that 'customary tribal law' shall not be administered when it is 'repugnant to natural justice and morality'. The Administration has certainly been sympathetic towards deserted wives seeking divorce and has encouraged Native Courts to allow their pleas where the husband has been many years away and has not written home. In the past the District Officer on tour has divorced batches of women who had applied in vain to the Native Courts for divorce on the ground of desertion. It has been argued by the Administration that since chiefs depend on the gifts of returned labour migrants to supplement their own income, they are reluctant to offend men by divorcing their wives in their absence. There are fewer divorces, in relation to the same number of pleas, granted in Ngoni courts than among the neighbouring Cewa, who are subject to the same Administrative and mission influences. The Ngoni find no consolation in this comparison. They merely observe that there are more divorces now than there used to be, and blame the Whites for the change.

The missions are all concerned with the development of Christian marriage, but their ideas as to what this is differ from one denomination to another, as do their views on the relationship of Christian to other types of marriage. The White Fathers and the Universities Mission to Central Africa do not allow divorce, while the Dutch Reformed Church Mission does. The U.M.C.A. insist that all 'customary obligations' shall be fulfilled before a marriage can be solemnized between Christians, the White Fathers

[38] Cf. Barnes, op. cit. pp. 245f for the rules regulating the movement of women beyond Fort Jameson District.

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Lupa goldfields and Dar-es-Salaam. Nowadays almost everyone goes by lorry, but now as then a man has to go a long way before he can arrive at an island of friends in one of the urban centres. This means that, for the Ngoni, emigration is a definite event, and does not occur as a result of a gradual drifting farther and farther away from the tribal area. Lorries run from Fort Jameson to Lusaka and to Lilongwe, and from Missale to Mtoko in Southern Rhodesia. There is also a lorry service from Lundazi to Fort Jameson, but this does not lead anywhere else, and is not used by Mpezeni's people except locally. Lusaka is on a railway line, Lilongwe is connected by bus and train to Blantyre, while Mtoko is on the way to Salisbury. It is these lorry routes which now provide the links with the outside world, and along which people and goods travel, the people in both directions, and the goods, apart from tobacco, mainly inwards. Use of these routes is controlled by the chiefs, the Administration, by economic factors, and by the weather. This last has been less important of late, and the roads are seldom impassable for more than a week at a time, however heavy the rains. In order to travel on the lorries from Fort Jameson a man must have a ticket, which costs £1 for the journey to Lusaka, and less for the trip to Lilongwe. The lorry service from Missale to Mtoko is free.

101 489 [167] 489

The Administration exercise control by insisting that no man shall leave the Territory of Northern Rhodesia unless he is in possession of an identification certificate endorsed by the Administration permitting him to do so. In practice, such endorsements are not usually made unless the man can produce written permission from the chief that he is free to go. This working arrangement is intended to ensure that men do not flee the country when there are cases pending against them, and to prevent unjustifiable desertion of wives and children. In fact men are sometimes given permission to go while cases in which they are involved are still unheard.

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The emigration of women and children is further controlled in that there is a law[1] forbidding a woman to leave the tribal area except in the company of her husband, or with a pass to leave from the Native Authority. Sucking children are allowed to accompany their mothers, but other children under the age of sixteen are not allowed to leave the province without permission of the Native Authority,[2] while boys

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[1] Ngoni Native Authority Order 24.

[2] Ngoni N. A. Order 39. The child must be either accompanied by its parents or else accompanied by a guardian on the way to join its parents.

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486 562 858 over sixteen are not allowed to leave without a pass from their Native Authority until they have paid tax for one year at home.[1] These laws are quite energetically enforced, principally by the placing of Native Authority police at strategic points along the lorry routes. These police inspect the passes of all passengers on the lorries, and bring offenders before the nearest Native Court.

486 562 The devices adopted to evade these restrictions are much as one might expect. The drivers of the lorries may be won over, particularly by women. A woman may get a lorry driver to say that she is his wife, or even enter into a temporary marriage with him, if she wishes to run away without a ticket. Some people walk to the far side of the police point and then attempt to get on the lorry after the search has been completed. A woman who has a ticket but no pass may pose as the wife of some unaccompanied male passenger.

484 167 The motives for leaving the area are many. Most of the men go to look for work, although a few go away to visit their urban relatives and friends for a holiday. Others go to buy goods that may be unobtainable locally for the time being, such as tools or window-panes, or which they think they can get more cheaply elsewhere, such as bicycles. Many of the women go to join their husbands, but some are fleeing from them, or have grown tired of living at home married to men who live permanently in Southern Rhodesia, and are out to try their luck in the towns.

489 Whereas the outgoing lorries are comparatively empty of goods, the returning passengers are well loaded with belongings. The fares are higher, and the Mtoko–Missale service is not free on the northward trip. One of the most important commodities brought in along these 205 routes is the mail. Men working in Southern Rhodesia and elsewhere write home to keep their wives and brothers informed of their whereabouts, and send postal orders to enable their families to buy clothes.

This movement to and from the outside world must be seen in its relationship to the opportunities that exist for employment within the District on the tobacco farms.

Farm Labour

464 249 [361] No village in either of the reserves occupied by the Ngoni is more than 12 miles from a farm. This means that it is possible for a man to work as a labourer on a farm and yet retain a large number of his contacts with his village and chief. In particular, his wife and children

[1] Ngoni N. A. Order 37.